

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELYSE UNRATH	:	
	:	
vs.	:	CIVIL ACTION
	:	
STEAK AND ALE OF PENNSYLVANIA	:	NO. 02-3191
d/b/a BENNIGAN'S GRILL AND	:	
TAVERN	:	
Defendant.	:	

ORDER

AND NOW, this 16th day of June, 2003, upon consideration of Defendant, Steak and Ale of Pennsylvania, Inc.'s, Motion *in Limine* to Preclude Lay Opinion Testimony (Document No.18, filed May 27, 2003), and Plaintiff's Response, it appearing from the Motion that defendant seeks to preclude lay testimony that the overall condition of the floor at the restaurant in question was "slippery" on the ground that such testimony is based on "specialized knowledge" and cannot be the basis of opinion testimony from lay witnesses under Federal Rule of Evidence 701(c), and the Court concluding that the proposed testimony is not based on "specialized knowledge" and is admissible under Federal Rule of Evidence 701 providing a proper foundation is laid, **IT IS ORDERED** that Defendant, Steak and Ale of Pennsylvania, Inc.'s, Motion *in Limine* to Preclude Lay Opinion Testimony is **DENIED**.

IT IS FURTHER ORDERED that the denial of Defendant, Steak and Ale of Pennsylvania, Inc.'s, Motion *in Limine* to Preclude Lay Opinion Testimony is **WITHOUT PREJUDICE** to defendant's right to seek reconsideration if warranted by evidence produced at trial.

BY THE COURT:

JAN E. DUBOIS, J.